

Article - State Government

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§9–20D–04.

(a) Under a Program created in accordance with § 9–20D–03(a) of this subtitle, a regulated sustainable energy contract shall:

(1) meet the requirements established by the Administration under subsection (d) of this section; and

(2) require, for each property expected to be subject to the regulated sustainable energy contract, the qualified contractor to notify, by first-class certified mail, any party that holds a recorded mortgage or deed of trust on property of:

(i) the expected existence and terms of the regulated sustainable energy contract; and

(ii) the right of the party that holds a recorded mortgage or deed of trust to object to the contract as provided in subsection (b) of this section.

(b) (1) A party that holds a recorded mortgage or deed of trust on property that would be subject to a regulated sustainable energy contract has 30 days from receipt of the notice required under subsection (a)(2) of this section to object to the contract.

(2) Any objection to the contract on the part of a party that holds a recorded mortgage or deed of trust on the property must be in writing and addressed to the owner of the property and the qualified contractor.

(c) If an objection is made under subsection (b) of this section by a party that holds a recorded mortgage or deed of trust on the property, the regulated sustainable energy contract may not become effective and if executed shall be void.

(d) When creating a Program under this subtitle, the Administration shall, by order or regulation, establish specific requirements for a regulated sustainable energy contract under this subtitle, including:

(1) terms and conditions, including:

(i) interest rates, schedules, and rates for repayment;

(ii) a requirement that, if there is no objection by a party that holds a recorded mortgage or deed of trust, the regulated sustainable energy contract be recorded in the land records of the county in which the property is located;

(iii) time frames for the recordation; and

(iv) any terms and conditions required to create and enforce a lien under the Maryland Contract Lien Act, Title 14, Subtitle 2 of the Real Property Article;

(2) eligibility requirements for property owners that give due regard to the owner's ability to pay in a manner substantially similar to the requirements for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article; and

(3) mechanisms:

(i) for quality control; and

(ii) to ensure that the savings to the property owner under a regulated sustainable energy contract outweigh the cost of the regulated sustainable energy contract.

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